

Question next on the motion to recess until 10:00 o'clock a.m. tomorrow, the motion prevailed.

Accordingly, the Senate at 11:54 o'clock a.m. took recess until 10:00 o'clock a.m. tomorrow.

## SIXTIETH DAY

(Continued)

(Friday, May 5, 1961)

### After Recess

The Senate met at 10:00 o'clock a.m., and was called to order by the President.

### Leaves of Absence

Senator Colson was granted leave of absence for today on account of illness in the family on motion of Senator Moffett.

Senator Willis was granted leave of absence for today on account of illness on motion of Senator Schwartz.

Senator Smith was granted leave of absence for today on account of important business on motion of Senator Dies.

Senator Herring was granted leave of absence for today on account of important business on motion of Senator Krueger.

### Senate Resolution 429

Senator Hardeman by unanimous consent offered the following resolution:

Whereas, Today marks the history-making ascent, and successful return, by an American astronaut into outer space, thus demonstrating the scientific skill and ability of scientists, physicists, mathematicians, medical doctors and other technical personnel, ably assisted and supported by artisans, military and naval personnel and citizens of all classes, with unlimited funds and abounding faith supplied by American taxpayers; and

Whereas, By this record-breaking accomplishment American prestige in space development has been recaptured and is now at an all-time high; and

Whereas, Commander Alan B. Shepard, by soaring one hundred fifteen miles into outer space in a Mercury Red Stone III, and attaining a

speed of 5100 miles per hour, takes his place among those intrepid pioneers of the ages who have furthered the conquest of the unknown and blazed the trail for civilization's progress; and

Whereas, It is the desire of the Senate of Texas to recognize this outstanding feat and to extend its congratulations to Commander Shepard upon his successful, challenging and pioneering adventure, as well as to all of those who contributed directly or indirectly to this memorable event; now, therefore, be it.

Resolved, By the Senate of Texas that its congratulations be and they are hereby extended to Commander Shepard and to all of those contributing to his successful flight into space and return and that a copy of this Resolution under the Seal of the Senate be forwarded to him in recognition of the appreciation of the people of Texas for his accomplishment.

### HARDEMAN

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Krueger and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by the Senate.

### Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 463, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 756, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 1060, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,  
May 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 739, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
May 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 638, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

#### Senate Bill 143 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment S. B. No. 143

(the bill having been read the second time on Tuesday, May 2, 1961).

Question—Shall S. B. No. 143 be passed to engrossment?

Senator Kazen offered the following amendment to the bill:

Amend S. B. 143 by adding a new section between Section 3 and Section 4 to be numbered Section 3A and to read as follows:

Section 3A. The provisions of this Act shall in no way be ever construed as prohibiting illegitimate children from receiving aid under welfare programs by the State where they would otherwise be eligible.

The amendment was adopted.

On motion of Senator Lane and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 143 on Third Reading

Senator Lane moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 143 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Weinert

#### Nays—1

Patman

#### Absent

Gonzalez

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### House Bill 1060 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 1060 was ordered not printed.

#### Senate Bill 463 Ordered Not Printed

On motion of Senator Owen and by unanimous consent S. B. No. 436 was ordered not printed.

#### House Bill 756 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 756 was ordered not printed.

#### House Bill 739 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 739 was ordered not printed.

#### Senate Resolution 434

Senator Reagan offered the following resolution:

Whereas, His Excellency, The Most Reverend Mariano S. Garriga, D.D., L.L.D., Bishop of the Diocese of Corpus Christi, will observe his Golden Sacerdotal Jubilee and his Silver Episcopal Jubilee on May 8, 1961; and

Whereas, Bishop Garriga is a native of Port Isabel, Texas, having been born on May 31, 1886. He received his early education at Port Isabel, Brownsville and St. John's Orphanage in San Antonio, later pursuing his philosophical and theological studies in St. Francis Seminary, Milwaukee, Wisconsin and was ordained to the Priesthood in Incarnate Word Convent Chapel in San Antonio on July 2, 1911; and

Whereas, After serving as Chaplain of the Fourth Texas Infantry during World War I and after serving as President of Incarnate Word College in San Antonio, Texas where he devoted much time to missionary work, Bishop Garriga went to Corpus Christi as Coadjutor to the Bishop of Corpus Christi and Titular Bishop of Siene on June 30, 1936; and

Whereas, Bishop Garriga assumed the Pastorate of St. Peter's Church in Laredo in 1942, returning to Corpus

Christi on March 15, 1949 to take over the full administration of the Diocese of Corpus Christi; and

Whereas, On April 23, 1951, Pope Pius XII conferred on Bishop Garriga the title of Assistant at the Pontifical Throne and Roman Count; and

Whereas, Because of his interest in scouting, he was given the Silver Beaver Award; and, in Laredo, Texas during the George Washington Day Celebration in 1959, he was named Mr. South Texas; and

Whereas, It is the desire of the Senate of the State of Texas to pay tribute to the unselfish devotion and service of Bishop Mariano S. Garriga and honor him on the observance of his Golden Sacerdotal Jubilee and his Silver Episcopal Jubilee; now, therefore, be it

Resolved, That the Senate of the 57th Legislature of the State of Texas congratulate Bishop Garriga on this auspicious occasion and send greetings and best wishes for a long life yet of service and well-being; and, be it further

Resolved, That a copy of this Resolution be sent to Bishop Garriga as a permanent memento.

#### REAGAN

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by the Senate.

#### Senate Bill 466 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Weinert

## Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The following bill was then introduced, read first time and held for referral:

By Senator Parkhouse:

S. B. No. 466, A bill to be entitled "An Act amending Sections 5, 7, 8, 12, 13, 15, 17, and 19 of Chapter 179, Acts of the 56th Legislature, Regular Session, 1959, to provide for the issuance of serial numbers to certain vessels; to prescribe certain equipment; to exempt boats eight feet or under from certain requirements; to regulate certain activities; to prohibit local fees; to empower game wardens with certain authority; to provide for certain fees and partial fees with exception thereto; to provide the manner in which the Highway department may construct and finance certain facilities; repealing Section 18 of said Act; and declaring an emergency."

## Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,  
May 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 482, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1046, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

## Senate Bill 353 on Second Reading

Senator Roberts asked unanimous consent to suspend the regular order of business and take up S. B. No. 353 for consideration at this time.

There was objection.

Senator Roberts then moved to suspend the regular order of business and take up S. B. No. 353 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—17

Aikin	Parkhouse
Baker	Patman
Calhoun	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Schwartz
Hazlewood	Secrest
Kazen	Weinert
Moore	

## Nays—8

Creighton	Lane
Crump	Martin
Dies	Moffett
Krueger	Rogers

## Absent

Owen

## Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 353, A bill to be entitled "An Act amending Sections 1 and 2, Chapter 186, Acts of the 44th Legislature, Regular Session, 1935, as amended by Chapter 374, Acts of the 56th Legislature, Regular Session, 1959, codified as Article 1370a in Vernon's Texas Penal Code, prohibiting the running at large of livestock; limiting the meaning of the term 'run-

ning at large'; providing immunity from liability for injuring animals running at large except for gross negligence or wilful intent; authorizing the impounding of unattended animals under certain conditions and providing for their disposition; providing for enforcement; repealing all laws or parts of laws in conflict to the extent of such conflict; providing for severability; and declaring an emergency."

The bill was read the second time.

Senator Roberts offered the following amendment to the bill:

Amend Senate Bill 353, Section 1, subsections 1 and 2 by striking out such subsections and inserting in lieu thereof the following:

"Sec. 1. Any person owning or having responsibility for the control of any horse, mule, donkey, jack, jennet, hog, goat, sheep, or cattle of any type who knowingly permits such animal or animals to run at large, unattended, upon either public property or private property to which the owner or person having responsibility for the control of such animal or animals has no right of use for grazing purposes or any such person who permits any such animal or animals so to run at large under such facts and circumstances as would constitute notice of the fact that said animal or animals is or are running at large, unattended, shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding Two Hundred Dollars (\$200), provided, however, that in those areas where public roads or highways, by means of gates or cattleguards, provide access across otherwise open range, no animal upon the right-of-way of such public road or highway or upon the private property of any other person shall be deemed to be running at large within the meaning of this Act. Each day that an animal is found to have been running at large shall constitute a separate offense.

"Sec. 2. No civil cause of action for damage shall lie in behalf of any person owning or having responsibility for the control of any animal or animals by reason of the striking, killing, injuring or damaging of any animal running at large in violation of this Act, except upon a finding of gross negligence in the operation of the vehicle producing the damage or

wilful intent to strike, kill, injure or damage such animal. Neither shall any cause of action for damages lie against any person owning or having responsibility for the control of any animal or animals because of the running at large of such animal or animals in violation of this Act, except upon a finding that such owner or such person having responsibility for the control of such animal or animals knowingly permitted such animal or animals to run at large."

The amendment was adopted.

On motion of Senator Roberts and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Votes

Senators Lane, Dies, Martin, Krueger, Moffett, Creighton, Crump and Rogers asked to be recorded as voting "Nay" on the passage of S. B. No. 353 to engrossment.

#### Motion to Place Senate Bill 353 on Third Reading

Senator Roberts moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 353 be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present):

#### Yeas—14

Aikin	Owen
Baker	Parkhouse
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Schwartz
Hazlewood	Secrest
Kazen	Weinert

#### Nays—12

Calhoun	Martin
Creighton	Moffett
Crump	Moore
Dies	Patman
Krueger	Ratliff
Lane	Rogers

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

### Motion to Place Senate Bill 181 on Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business and take up S. B. No. 181 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up S. B. No. 181 for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present):

#### Yeas—14

Aikin	Moffett
Baker	Moore
Creighton	Reagan
Crump	Rogers
Fuller	Schwartz
Kazen	Secrest
Lane	Weinert

#### Nays—10

Calhoun	Owen
Dies	Parkhouse
Hardeman	Patman
Krueger	Ratliff
Martin	Roberts

#### Present—Not Voting

Gonzalez

#### Absent

Hazlewood

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

### Senate Concurrent Resolution 43 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 43, Requesting Governor to establish within the Executive Department the position of State Coordinator of Aging Services.

The resolution was read and was adopted.

### Senate Joint Resolution 22 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 22, Proposing an amendment to Article 9 of the Constitution of the State of Texas, by adding a new section thereto to be known and described as Section 6, providing that the Legislature may authorize the creation of a hospital district co-extensive with the limits of Ochiltree County, Texas, authorizing the levying and rates of taxes; providing for the acquisition of land and properties for hospital uses, as well as the maintenance and operation of the same; and authorizing the issuance of tax bonds for the purpose of the purchase, construction, acquisition, repair, or renovation of improvements; and further providing that any enabling acts shall not be invalid because of their anticipatory character.

The resolution was read second time and passed to engrossment.

### Senate Joint Resolution 22 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Weinert

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

## Yeas—26

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Weinert

## Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

## Senate Bill 296 on Second Reading

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 296, A bill to be entitled "An Act applying to Texas Southern University authorizing the governing board thereof to discontinue the charging and collection of tuition fees for certain time and to charge students certain building-use fees; authorizing the pledge of the income of such building-use fees and the issuance of bonds, warrants, or notes payable therefrom; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

(Senate Kazen in the Chair.)

## Senate Bill 296 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 296 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Martin
Baker	Moffett
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Kazen	Secrest
Krueger	Weinert
Lane	

## Nays—1

Moore

## Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 445, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and not be printed.

KRUEGER, Chairman.

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 68, Memorializing Congress to enact legislation withdrawing the Federal Government from the field of excise taxation.

H. B. No. 817, Relating to the closing of the wild turkey season in Caldwell County until November 14, 1964; providing a penalty; repealing all conflicting laws; and declaring an emergency.

H. B. No. 1045, A bill to be entitled "An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take kill or possess any game bird or game animal on that portion of Matagorda Island lying to the North and East of the Northeast line of the Powers and Hewitson Grant No. 2 as recorded in the State General Land Office, Austin, Texas, and is shown on the map entitled 'San Antonio Bay and vicinity' Aransas and Calhoun Counties, August 1, 1948, to take, kill, or trap any fur-bearing animal on said lands; prescribing the legislative policies with respect to the wildlife resources of said lands; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wildlife resources of said lands; requiring the Game and Fish Commission to make investigations with respect to depletion and waste of the wildlife resources of said lands; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said lands; defining depletion and waste; providing for the issuance of the antlerless permits; providing for the adoption of the proclamations orders, rules, or regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing that the powers of the Commission are not limited; providing venue for suit to test the validity of the proclamations, rules, regulations, or orders of the Commission; providing a penalty for the violation of any of the provisions of this Act as well as any order, rule or regulation of the Commission; providing for the forfeiture of licenses; making it unlawful to provide a new license and providing a penalty therefor; defining wildlife resources; repealing certain laws; providing for the effective date of this Act; providing a saving clause; and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act relating to the re-employ-

ment of retired teachers; amending Section 1, Chapter 28, Acts of the Fifty-sixth Legislature, Regular Session, 1959, to extend the period allowed for re-employment of retired teachers to eighty (80) days in a single school year; and declaring an emergency."

H. B. No. 433, A bill to be entitled "An Act validating Calhoun County Drainage District No. 11 (eleven) and declaring the same to be converted into a validly existing Conservation and Reclamation District under authority of Section 59, Article XVI, Constitution of Texas; providing said District shall be considered to be organized and existing for the sole purpose of reclamation and drainage of its overflowed lands and other lands needing drainage; providing that to accomplish these purposes the District shall have all of the rights powers, privileges and duties conferred or imposed by General Law of Texas, as now in force or hereafter enacted, applicable to Districts created under the authority of Section 59, Article XVI, Constitution of Texas, as provided by Chapter 3A, Title 128, Articles 7880-1 et seq. Vernon's Civil Statutes of Texas, in as far as the same apply to the rights and powers of drainage and reclamation and are not in conflict with the authorizations and limitations herein provided; providing findings that the creation of the District is essential to the accomplishment of the Constitutional purposes and that the land and property included within its boundaries will be benefited; providing the District to be a body politic, a governmental agency and a municipal corporation and that no election be required to confirm the District's organization; combining all prior drainage districts and consolidating the same with all rights and powers to vest in Drainage District No. 11; validating and defining its boundaries; providing for the appointment of a governing board of six Drainage Commissioners to be appointed by the Commissioners' Court for overlapping terms of six years; providing qualifications of Commissioners, places and precincts of representation, the drawing for terms; providing certain special powers and limitations; providing for the ad valorem basis for taxation; providing certain authority and powers and limitations as to the County Assessor-Collector, County Treas-



urer, and County Auditor; validating all governmental proceedings and acts performed by officials of Calhoun County, Victoria County Commissioner's Courts, of all the various Drainage Districts, all agreements as to cooperation and authorizing final agreements of cooperation in construction of outfall ditches by joint contract between drainage districts, with proportional shares of costs to be determined and paid out of construction, a saving clause, and an emergency clause."

H. B. No. 609, A bill to be entitled "An Act amending Section 12 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, and Section 17 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, and repealing Section 18 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, to provide that certain fees collected by the Commissioner of the Bureau of Labor Statistics be deposited in the General Revenue Fund of the State; abolishing the Boiler Inspection Fund; providing for the transfer of the unexpended balance in that Fund to the General Revenue Fund; providing an effective date; and declaring an emergency."

S. C. R. No. 21, Relating to 4-H activities.

S. C. R. No. 33, Providing that the Texas Legislative Council be and it is hereby requested to study the state's health and welfare services, etc.

S. B. No. 135, Creating a Juvenile Board for Galveston County and designating the members thereof; providing additional compensation for County and District Judges serving thereon; providing the manner of payment thereof; etc.; and declaring an emergency.

(With Amendments.)

S. B. No. 162, Amending Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, codified as Article 1970-342, Vernon's Texas Civil Statutes, by changing the name of the Probate Court of Galveston County; conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; providing the organization and procedure of said

court; and declaring an emergency. (With Amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 256 on Second Reading

Senator Crump asked unanimous consent to suspend the regular order of business and take up S. B. No. 256 for consideration at this time.

There was objection.

Senator Crump then moved to suspend the regular order of business and take up S. B. No. 256 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	Moore
Baker	Owen
Calhoun	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Roberts
Fuller	Rogers
Hardeman	Schwartz
Kazen	Secrest
Martin	Weinert
Moffett	

#### Nays—4

Gonzalez	Lane
Krueger	Parkhouse

#### Absent

Hazlewood

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The Presiding Officer then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 256, A bill to be entitled "An Act to amend Section (b), Article 1.05 of the Texas Insurance Code, as amended by Acts 1957, 55th Legislature, p. 1457, Chapter 499, Sec. 2, to provide for an annual salary for the members of the State Board of Insurance; repealing Section (e), Article 1.04, Texas Insurance Code; and declaring an emergency."

The bill was read second time.

Senator Crump offered the following amendment to the bill:

Amend S. B. 256 by striking all of paragraph "b," Section 1, and inserting the following:

"(b)" The members of the State Board of Insurance shall each receive an annual salary, payable in monthly installments as provided in the general appropriation bill.

The amendment was adopted.

On motion of Senator Crump and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 256 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Schwartz
Kazen	Secrest
Krueger	Weinert
Lane	

#### Nays—2

Hardeman	Parkhouse
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#### Absent

Owen

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—23

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Schwartz
Kazen	Secrest
Krueger	Weinert
Lane	

#### Nays—2

Hardeman	Parkhouse
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#### Absent

Owen

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

#### Bills and Resolutions Signed

The Presiding Officer announced the signing of by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. C. R. No. 40, Authorizing Board of Control to enter into contracts for motion picture involving use of San Jacinto Park.

S. C. R. No. 22, Granting W. R. Hall permission to sue the State of Texas.

S. B. No. 368, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, comprising certain territory contained in Bowie County, Texas, to be known as 'Bowie County Water Supply District' (hereinafter called District); constituting the same a governmental agency and body politic and corporate; etc., and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act amending Sections 4 and 5 of Chapter 124, Acts of the 54th Legislature Regular Session, 1955, to provide for a salary increase for the Criminal District Attorney for Galveston County; to authorize appointment of one (1) first assistant and four (4) additional assistants to the

Criminal District Attorney of Galveston County; to authorize employment of three (3) secretaries to the Criminal District Attorney of Galveston County; and declaring an emergency."

S. B. No. 98, A bill to be entitled "An Act amending Articles 2843 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 310, Acts of the 56th Legislature, Regular Session, 1959; providing a formula for distribution of textbooks on the subject of agriculture to certain grades; and declaring an emergency."

S. B. No. 110, A bill to be entitled "An Act amending Article 7.05 of the Texas Business Corporation Act, Chapter 64, Acts, 1955, Fifty-fourth Legislature, by adding a new subsection (e), to Section A(1) thereof providing that a receiver may be appointed for the assets and business of a corporation when it is established in an action by a shareholder that the shareholders are deadlocked in voting power, and have failed for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired or would have expired upon the election of their successors; and declaring an emergency."

S. B. No. 243, A bill to be entitled "An Act amending Section 17 of Chapter 152, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, to extend the existing authority of the Game and Fish Commission to regulate wildlife in Bexar County; and declaring an emergency."

S. B. No. 280, A bill to be entitled "An Act relating to the selection of members of the Board of Directors of Donley County Water Control and Improvement District No. 1, their qualifications and their terms of office; providing for this transfer by the District to the City of Memphis of District's properties after District becomes debt free; and declaring an emergency."

S. B. No. 297, A bill to be entitled "An Act amending Chapter 117, House Bill No. 641, Acts 55th Legislature of Texas, Regular Session, 1957, relating to Harris County Houston Ship Channel Navigation District of Harris County, Texas; validating all acts and governmental

proceedings of the Board of Navigation and Canal Commissioners and other officials of said District and all bonds and other obligations of said District heretofore issued and all proceeding heretofore adopted relating to bonds and other obligations of said District; providing a severability clause; and declaring an emergency."

S. B. No. 342, A bill to be entitled "An Act amending Section 7 of Chapter 35, Acts of the Fifty-third Legislature, First Called Session, 1954, relating to the powers of the Green Belt Municipal and Industrial Water Authority with respect to condemnation of land and easements; providing a severability clause; and declaring an emergency."

S. B. No. 407, A bill to be entitled "An Act amending Section 1 of Chapter 36, Acts of the 51st Legislature, 1st Called Session, 1950 (Compiled as Article 978n-1 of Vernon's Texas Penal Code), to bring Cochran County within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

S. B. No. 411, A bill to be entitled "An Act providing that any town which has been duly and legally incorporated and which has heretofore adopted or may hereafter adopt the provisions of Title 28, Revised Civil Statutes of Texas, 1925, as amended, may change its name of designation from town to city, by ordinance passed by the governing body of such town; provided, however, that the change in the designation of such town shall in no wise affect the corporate existence or powers; etc.; and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act amending Article 3.34 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as last amended, which is codified as Article 3.34 of the Texas Insurance Code, Vernon's Texas Civil Statutes, by adding certain public utility gas corporate securities as eligible investments for Texas insurance companies; repealing laws in conflict; providing for severability; and declaring an emergency."

S. B. No. 340, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas to be known as

'Glenwood Bayou Municipal Utility District'; prescribing its rights, powers, privileges and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

S. B. No. 392, A bill to be entitled "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the 72nd, 140th and 99th Judicial Districts of Texas, and for County Court at Law No. 1 and County Court at Law No. 2, of Lubbock County, Texas, fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statements of facts and other fees, repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

S. B. No. 23, A bill to be entitled "An Act amending Subsection (1) of Section 23 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the Forty-fifth Legislature, Regular Session, 1937, as last amended by Chapter 101, Acts of the 55th Legislature, Regular Session, 1957 (compiled as Subsection 1, Section 23, of Article 725b, Vernon's Annotated Penal Code) to increase the minimum penalty for violation to five (5) years; and declaring an emergency."

S. B. No. 252, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'El Lago Municipal Utility District'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions relating to the subject; providing a severability clause; and declaring an emergency."

S. B. No. 319, A bill to be entitled "An Act creating a Court of Domestic Relations for Jefferson County, Texas; etc., and declaring an emergency."

#### Senate Bill 10 on Second Reading

Senator Roberts asked unanimous consent to suspend the regular order

of business and take up S. B. No. 10 for consideration at this time.

There was objection.

Senator Roberts then moved to suspend the regular order of business and take up S. B. No. 10 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—20

Aikin	Krueger
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Dies	Parkhouse
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Schwartz
Kazen	Secrest

#### Nays—6

Crump	Patman
Lane	Rogers
Martin	Weinert

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 10, A bill to be entitled "An Act amending H. B. No. 11, Acts 1959, 56th Leg., 3rd C. S., p. 187, ch. 1, codified in the General and Special Laws of Texas, 56th Legislature, and in Vernon's Civil Statutes of Texas, as Chapter 9, (Under Ch. 1) Title 122 A, relating to Taxation—General—Motor Fuel Tax, by adding a section (under Chapter 9 of Ch. 1) denominated as Section (6a) of Article 9.13 and amending Sections (13) and (14) of Article 9.25 (such articles and sections, having been utilized in such codifications, being here used for convenience) pertaining to claimed and unclaimed refunds on motor fuel revenues used for aircraft purposes, making allocation thereof, and making other provisions relating thereto; providing for severability, for repeal of conflicting law, and declaring an emergency."

The bill was read the second time.

Senator Roberts offered the following amendment to the bill:

Amend S. B. No. 10 by striking out all below the enacting clause and substituting the following:

"Section 1. That Section 5 be enacted and added as an amendment to H. B. No. 11, Acts 1959, 56th Leg., 3rd C. S., Chapter 9, (under Ch. 1) Title 122A, Motor Fuel Tax (Art. 9.03 by adding Section 5 thereto) the same to read:

"(5) Reports. Every distributor selling motor fuel in this State for use in aircraft, or for resale for such purpose, shall attach to each monthly report required by law to be filed with the Comptroller by each Distributor a schedule which shall become a part of such report and shall show complete information of all sales of motor fuel marketed by such distributor as aviation or aircraft motor fuel in such form as the Comptroller may require. The Comptroller is hereby authorized to prescribe records to be kept and reports to be made by distributors and refund dealers in whatever manner and form he deems necessary to determine the amount of motor fuel, used or sold for use in aircraft on which claim for refund of the tax is not made, and the failure or refusal to keep any such records or to make any such reports shall constitute cause for the cancellation of the permit or refund of dealer's license of those who fail or refuse to comply therewith."

Section 2. That Section (6a) be enacted and added as an amendment to Article 9.13, H. B. No. 11, Acts 1959, 56th Leg., 3rd C. S., Chapter 9, (under Ch. 1) Title 122A, Motor Fuel Tax, the same to read:

"(6a) Allocation of unclaimed aircraft fuel refunds to Available School Fund and to Texas Aeronautics Commission Fund. Each month the Comptroller, after making the deductions for refund purposes as provided in Article 9.13 (13) of this Chapter, shall determine as accurately as possible the number of gallons of motor fuel used in aircraft upon which the motor fuel tax has been paid to this State, and upon which refund of the tax thereon has not been made and against which a six (6) months limitation has run for filing claim for refund of said tax (called "unclaimed refunds"), and from the number of gallons so determined the Comptroller

shall compute the amount of taxes that would have been refunded under the law had claims for same been filed in accordance with the law, and shall allocate and deposit such unclaimed refunds as follows: Twenty-five per cent (25%) of such revenues shall be allocated, deposited, and set aside in the State Treasury placed to the credit of the Available School Fund. The remaining seventy-five per cent (75%) of such revenues shall be allocated, deposited, and set aside in the State Treasury in a special fund to be called the Texas Aeronautics Commission Fund and the same shall be credited to, and is hereby appropriated to, the Texas Aeronautics Commission for the purposes set forth in this section, and which said Texas Aeronautics Commission Fund shall be administered by the Texas Aeronautics Commission, together with any other funds appropriated by the Legislature, for the support, maintenance and operation of the Texas Aeronautics Commission in the performance of its safety and all of its other functions, duties and responsibilities as may be now or hereafter delegated to such Commission as prescribed by law, and also for the payment of the Commissioners, the Director, Assistant Director, the Staff, and for equipment and supplies, including aircraft and automotive equipment as authorized by law. Any unexpended portion of the Texas Aeronautics Commission Fund allocated and placed to the credit of the Texas Aeronautics Commission, as herein prescribed, not used, and on hand, at the end of each fiscal year shall be returned to the Comptroller of Public Accounts and he shall place the same to the credit of the Texas Aeronautics Commission Fund for the use of the Texas Aeronautics Commission for the purposes stated herein."

Section 3. That H. B. No. 11, Acts 1959, 56th Leg., 3rd C.S., Chapter 9 (under Ch. 1), Title 122A, Motor Fuel Tax, section (13) of Article 9.13 be amended to read as follows:

"(13) All net moneys paid into the Treasury under the provisions of this Chapter, except the filing fees provided herein, and except the funds placed in the Available School Fund and the Texas Aeronautics Commission Fund as provided in section (6a) of this Article, shall be set aside in a special fund to be known as the Highway Motor Fuel Tax Fund and no part of said fund shall be credited

to the Available School Fund until a report is made by the Comptroller to the Treasurer showing the total maximum amount of refunds that may be required to be paid by the State out of such funds, or allocated to the Texas Aeronautics Commission Fund as provided in section (6a) of this Article. The Comptroller shall on the 25th of each month, or as soon thereafter as is possible, compute and ascertain the maximum amount of funds that may be due by the State on the sale of motor fuel during the preceding month, upon which a refund may be due, or which shall be allocated to the Available School Fund and the Texas Aeronautics Commission Fund, as provided in section (6a) of this Article, and shall certify to the Treasurer the maximum amount, and the Treasurer shall reserve said amount each month out of which to pay refunds, or to allocate the unclaimed refunds as provided in said section (6a), and shall not distribute that part of said fund until the expiration of the time in which a refund can be made as provided by law, but as soon as said report has been made by the Comptroller and the maximum amount of refunds, and unclaimed refunds provided in said section (6a), shall have been determined, he shall deduct said maximum amount from the total taxes paid for the month, and apply the remainder as provided by law. If a claimant has lost or loses, or for any reason fails to receive a warrant after the same has been issued by the Comptroller, then, upon satisfactory proof thereof, the Comptroller may issue such claimant a duplicate warrant as provided in Article 4365, Revised Civil Statutes of Texas, (Acts 3rd C.S., 1910, p. 37; Acts 1953, 53rd Leg., p. 576, ch. 219, sec. 1)."

Section 4. That H. B. No. 11, Acts 1959, 56th Leg., 3rd C.S., Chapter 9 (under Ch. 1), Title 122A, Motor Fuel Tax, section (14) of Article 9.13 be amended to read as follows:

"(14) So much of said fund is hereby appropriated and set aside as may be necessary to pay the refunds, and to allocate and deposit the unclaimed refunds to the Available School Fund and the Texas Aeronautics Commission Fund as provided in said section (6a), and if a specific amount be necessary then there is hereby appropriated and set aside for said purposes the sum of Two Hundred Thousand Dollars (\$200,000), or so

much thereof as may be necessary. In no event shall any refund be made to any person in excess of the actual amount paid by such person, and the one and one-half per cent (1½%) deducted originally by the distributor upon the first sale or distribution of the motor fuel shall be deducted in computing the refund if a refund is claimed, then the Comptroller shall deduct fifty cents (50c) from all such refunds as a filing fee, which fee shall be deducted from the warrant issued in payment of such refund, which said filing fee shall be set aside for the use and benefit of the Comptroller in the administration and enforcement of this Article, as well as for payment of expenses in furnishing the form of invoice of exemption and other forms provided for herein, and the same is hereby appropriated for such purpose. All such filing fees shall be paid into the State Treasury and shall be paid out on vouchers and warrants in such manner as may be prescribed by law. In the event the refund on motor fuel used in aircraft is not claimed within six (6) months, as provided by this Chapter, the Comptroller shall deposit the remainder as provided in said section (6a)."

Section 5. That H. B. No. 11, Acts 1959, 56th Leg., 3rd C.S., Chapter 9 (under Ch. 1), Title 122A, Motor Fuel Tax, Article 9.25 be amended to read as follows:

"Before any diversion or allocation of the motor fuel tax collected under the provisions of this Chapter is made, one per cent (1%) of the gross amount of said tax shall be set aside in the State Treasury in a special fund, subject to the use of the Comptroller in the administration and enforcement of the provisions of this Chapter, and so much of said proceeds of one per cent (1%) of the motor fuel tax paid monthly as may be needed in such administration and enforcement, be and is hereby appropriated for said purpose. Any unexpended portion of said fund so specified shall, at the end of each fiscal year, revert (1) to the Highway Motor Fuel Tax Fund, and (2) to the Funds prescribed in section (6a) of Article 9.13, as provided in this Chapter, in proportion to the amounts originally derived from such respective sources. The same shall then be allocated as provided in Article 9.13 of this Chapter and section (6a) thereof, and in this Article 9.25, in the pro-

portions above prescribed, and each month the Comptroller of Public Accounts, after making all deductions for exempt refund purposes and for the Funds derived from "unclaimed refunds" as provided in Article 9.13 of this Chapter, and for the enforcement of the provisions of this Chapter, shall allocate and deposit the net remainder of the taxes collected under the provisions of this Chapter, as follows: One-fourth ( $\frac{1}{4}$ ) of such tax shall go to, and be placed to the credit of, the Available School Fund; one-half ( $\frac{1}{2}$ ) of such tax shall go to and be placed to the credit of the State Highway Fund for the construction and maintenance of the State Road System under existing laws; and from the remaining one-fourth ( $\frac{1}{4}$ ) of such tax the Comptroller shall: (a) place to the credit of the County and District Highway Fund an amount determined by the Board of County and District Road Indebtedness and certified by the Board to the Comptroller of Public Accounts prior to August 31st each year, for the fiscal year beginning September 1st each year, to be required in addition to any and all funds already on hand, for the payment by the Board of the principal, interest and sinking fund requirements for each year, on all bonds, warrants or other legal evidences of indebtedness heretofore issued by counties or defined road districts of this State, which mature on or after January 1, 1933, insofar as amounts of same were issued for and proceeds have been actually expended in the construction of roads that constituted and comprised a part of the system of designated state highways on September 17, 1932, or which subsequent to such date and prior to January 2, 1939, have been designated a part of the System of State Highways and declared by the Board of County and District Road Indebtedness prior to January 2, 1945, to be eligible to participate in the distribution of the moneys in the County and Road District Highway Fund under the provisions of existing laws; (b) for the fiscal year beginning September 1, 1951, and each fiscal year thereafter, the Comptroller shall place to the credit of the Fund known as the County and Road District Highway Fund the sum of Seven Million, Three Hundred Thousand Dollars (\$7,300,000), said amount to be provided on the basis of equal monthly payments, payable on the first day of each calendar month, which sum

shall be allocated by the Board of County and District Road Indebtedness to all of the counties of Texas not later than September 15th of each year, through the Lateral Road Account, as provided under subsection (h) of Section 6 of Chapter 324 of the General and Special Laws of the Forty-eighth Legislature, Regular Session, 1943, as amended by Section 1 of Chapter 319, Acts of the Fiftieth Legislature, 1947; and (c) the Comptroller shall place to the credit of the State Highway Fund the remainder of such one-fourth ( $\frac{1}{4}$ ) of such tax, said amount to be provided on the basis of equal monthly payments, payable on the first day of each calendar month, which sum shall be used by the State Highway Department for the construction and improvement of Farm to Market Roads having the same general characteristics as the roads eligible for construction under subsection 4b of Article XX of House Bill No. 8, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended."

Section 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications to the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 7. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Section 8. The importance of this legislation and the crowded condition of the calendar in both houses creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

ROBERTS  
HAZLEWOOD

On motion of Senator Roberts and by unanimous consent the reading of the amendment was dispensed with and Senator Roberts explained it.

The amendment was adopted.

On motion of Senator Roberts and by unanimous consent the caption was

amended to conform to the body of the bill as amended.

Question on passage to engrossment, yeas and nays were demanded.

S. B. No. 10 was passed to engrossment by the following vote:

**Yeas—17**

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Schwartz
Kazen	Secrest
Krueger	

**Nays—9**

Crump	Patman
Dies	Ratliff
Hardeman	Rogers
Lane	Weinert
Martin	

**Absent—Excused**

Colson	Smith
Herring	Willis
Hudson	

**House Bill on First Reading**

The following bill received from the House was read the first time and referred to the committee indicated:

H. B. No. 817, To the Committee on Game and Fish.

**Report of Standing Committee**

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 817, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

KRUEGER, Chairman.

**House Bill 817 Ordered Not Printed**

On motion of Senator Weinert and

by unanimous consent H. B. No. 817 was ordered not printed.

**House Concurrent Resolution 27 on Second Reading**

The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 27, Congratulating and inviting the Honorable Bill Daniel to speak before a Joint Session of the House and Senate at his earliest convenience.

The resolution was read.

Senator Moffett offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 27 by substituting therefor the following:

Whereas, The Honorable Bill Daniel of Liberty, Texas, has been appointed by the President of the United States as Governor of Guam; and

Whereas, Bill Daniel formerly was a member of the Texas Legislature, having served with distinction in the House of Representatives in the Fifty-first, Fifty-second, and Fifty-third Legislatures; and

Whereas, Texas has been honored by this appointment and by the recognition given our State and our former colleague by President Kennedy, resulting in our State furnishing the first instance of two brothers serving at the same time as Governors of two American States and Territories; and

Whereas, The new Governor of Guam will visit the Capitol, prior to his departure for Guam, on Wednesday, May 10, to participate in the dedication of the new State Office Building and to receive an award from the national organization of the Veterans of Foreign Wars; and

Whereas, It is the desire of the Texas Legislature to welcome back to the Capitol this distinguished former Representative and to hear from him on the occasion of the presentation of the Veterans of Foreign Wars' Award; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the Texas Legislature congratulate Governor Bill Daniel and invites the Veterans of Foreign Wars to make its award to him at a joint ses-



sion of the House and Senate at 11:45 a.m., Wednesday, May 10.

The amendment was adopted.

H. C. R. No. 27 as substituted was then adopted.

#### Senate Bill 466 Referred

The Presiding Officer (Senator Kazen in the Chair) announced that S. B. No. 466 which was introduced today was referred to the Committee on Water and Conservation.

#### House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the committees indicated:

H. B. No. 1085, To Committee on Counties, Cities and Towns.

H. B. No. 981, To Committee on Game and Fish.

H. B. No. 433, To Committee on Water and Conservation.

H. B. No. 1045, To Committee on Game and Fish.

H. B. No. 609, To Committee on Counties, Cities and Towns.

H. B. No. 107, To Committee on Education.

H. C. R. No. 68, To Committee on Jurisprudence.

H. B. No. 979, To Committee on Game and Fish.

H. B. No. 980, To Committee on Game and Fish.

H. B. No. 1078, To Committee on Game and Fish.

H. B. No. 1019, To Committee on Counties, Cities and Towns.

H. B. No. 117, To Committee on Counties, Cities and Towns.

H. B. No. 105, To Committee on Water and Conservation.

H. B. No. 527, To Committee on Counties, Cities and Towns.

H. B. No. 568, To Committee on Water and Conservation.

H. B. No. 601, To Committee on State Affairs.

H. B. No. 610, To Committee on Counties, Cities and Towns.

H. B. No. 624, To Committee on Counties, Cities and Towns.

H. B. No. 815, To Committee on Game and Fish.

H. B. No. 682, To Committee on Public Health.

#### House Bill 817 on Second Reading

Senator Weinert moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 817 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Weinert

#### Absent—Excused

Colson	Smith
Herring	Willis
Hudson	

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 817, A bill to be entitled "An Act relating to the closing of the wild turkey season in Caldwell County until November 14, 1964; providing a penalty; repealing all conflicting laws; and declaring an emergency."

The bill was read the second time and was passed to third reading.

**House Bill 817 on Third Reading**

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 817 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

**Yeas—26**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Weinert

**Absent—Excused**

Colson	Smith
Herring	Willis
Hudson	

**Senate Bill 467 on First Reading**

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator Secrest:

S. B. No. 467, A bill to be entitled "An Act amending Chapter 18, Acts of the 55th Legislature, First Called Session, 1957, pertaining to the Bell County Water Control and Improvement District No. 6; finding a benefit to all land and other property within the District; providing District was and is created to serve a public use and benefit; defining the boundaries of the District; finding a closure and related matters; exempting property of the District and bonds of District from taxation; providing for bonds of District to be eligible investments; providing for no election for confirmation and no hearing for exclusions; adopting the ad valorem plan of taxation for the District; providing for amount and kind of bonds for directors; provisions for failure to call director elections and other matters relating to the Board of Directors; validating the District, the Board of Directors, and all acts and contracts of the Board of Directors; providing

rights, powers and authorities of District within and without boundaries of District; authorizing the Board of Directors to use maintenance tax funds for easements and rights-of-way and for bond purposes or bond sinking funds and providing determination of such by the Board of Directors is final except for fraud, palpable error or gross abuse of discretion; providing it shall not be necessary for plans and specifications, engineering reports, profiles, maps and other data to be filed in the office of the District before a bond election is held and it shall not be necessary to secure approval of the State Board of Water Engineers prior to the issuance of bonds by the District; providing that bonds issued by the District shall be incontestable after approval by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing that certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended, shall not apply to this District; providing for a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

**House Bill 445 Ordered Not Printed**

On motion of Senator Reagan and by unanimous consent H. B. No. 445 was ordered not printed.

**Report of Standing Committee**

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
May 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 124, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

**Motion to Not Print House Bill 124**

Senator Reagan asked unanimous consent that H. B. No. 124 be ordered not printed.

There was objection.

**Conference Committee Report on  
House Bill 119**

Senator Moore submitted the following Conference Committee Report on H. B. No. 119:

Austin, Texas,  
May 5, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 119, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MOORE  
KRUEGER  
CRUMP  
PATMAN  
REAGAN

On the part of the Senate.

DE LA GARZA  
ECKHARDT  
NUGENT  
SPILMAN

On the part of the House.

H. B. No. 119,

**A BILL  
TO BE ENTITLED**

An Act relating to miscellaneous excise taxes, amending Article 20.09, Article 20.11 and Article 20.14, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, to provide for the filing of quarterly reports; to provide for the retailer to remit one hundred per cent (100%) of the tax or taxes collected; to provide for permits to expire on September 30th of each year; to dispense with the requirement of including specific inventory information in reports; to dispense with the requirement of keeping certain records; amending Chapter 20, Title 122A, Taxation—General, by adding thereto a new Article, Article 20.21, to provide for the records to be confidential and to provide a penalty for violations of said Article; repealing Article 20.12, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, relating to bonding requirements of certain retailers; providing an effective date; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. That Article 20.09, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, be amended so as to read as follows:

"Article 20.09, Payment of Tax, Reports Required.

"(a) Every retailer who shall be required to collect any of the taxes imposed by this Chapter upon the sale or distribution of any of the items taxable under this Chapter in this State, or who shall be required to pay the tax levied herein upon any item taxable under this Chapter used by said retailer shall on or before the twenty-fifth (25th) day of January, April, July and October of each year, remit or pay over to the Comptroller of the State of Texas, the amount of tax or taxes required to be collected during the quarter immediately preceding, and the amount of tax or taxes required to be paid for items taxable under this Chapter which are used by said retailer during said period. At the time of payment of the tax or taxes due, each retailer shall also make and deliver to the Comptroller a report, which shall show the date such report was executed, the name and address of said retailer and the quarter which the report covers, and such other information as the Comptroller may deem necessary to enforce the provisions of this Chapter. Provided, that where a retailer has not sold, distributed, or used any taxable items during any quarter or part thereof, he shall nevertheless file with the Comptroller the report required herein setting forth such fact or information. Provided, further, that the Comptroller may prepare and furnish a form prescribing the order in which the information required by this Chapter or such other information as the Comptroller may require under the provisions of this Chapter shall be set up on said quarterly report, but the failure of any retailer to obtain such form from said Comptroller shall be no excuse for the failure to file a report containing all the information required to be reported herein or required by the Comptroller as provided herein. Every retailer, at the time of making said report, shall attach legal tender thereto or make proper form of money order of exchange payable to the State Treasurer in amount of tax for

the period covered by the report.

"(b) If any retailer shall fail to remit proper taxes collected upon the sale or distribution of any item taxable under this Chapter, the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly remitted and paid to the State of Texas, the retailer shall pay as additional penalty any reasonable expenses incurred by the Comptroller in such audit."

Sec. 2. That Article 20.11, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, be amended so as to read as follows:

"Article 20.11, Permits Required.

"(a) From and after the effective date of this Chapter, all retailers of items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter in this State now engaged or who desire to become engaged in the sale, use or distribution of items taxable under Articles 20.02, 20.03 and 20.04 of this Chapter, and who do not have a previously obtained retailer's permit, shall file a duly acknowledged application for a retailer's permit, which shall be nonassignable, with the Comptroller, said application to be accompanied by a fee of Five Dollars (\$5). Said applications to be on a form prescribed by the Comptroller, to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. An application shall be filed and a permit obtained for each place of business owned or operated by a retailer. Said form shall set forth the name under which such retailer transacts or intends to transact such business as a retailer, the principal office, residence, or place of business in Texas, and if other than an individual, the principal officers of a corporation or the members of a partnership or association and their office, street, or post office address. The Comptroller may require in said application such other information as he may desire. No retailer shall make a sale, use or distribution of any item taxable under Articles 20.02, 20.03, and 20.04 of this Chapter until such application has been filed and a permit has been obtained.

"(b) Upon receipt of the application the Comptroller shall issue to every such retailer a nonassignable, consecutively numbered permit auth-

orizing the sale, use or distribution of items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter in this State from the date of the issuance of said permit, until and including the following September 30th. On or before October 1st of each year, and before any retailer shall make a sale, use, or distribution of items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter or engage in selling items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter in this State after September 30th, an application shall be filed and a permit obtained for the succeeding year. Said permit shall provide that the same is revocable and shall be cancelled upon violation of any provisions of this Chapter, or any rule or regulation adopted by the Comptroller. If such permit is cancelled or suspended, said retailer shall not sell, use or distribute such items upon which a tax is required to be paid until a new permit is granted or the original permit is reinstated. Provided, however, that no permit shall be issued or reinstated where it appears from a duly verified audit made as herein provided by an authorized representatives of the Comptroller that the applicant is delinquent in the remittance or payment of any tax, penalty, or interest under the provisions of this Chapter.

"(c) Permits issued at the time of the effective date of this Act and said to expire on August 31, 1961, or hereafter issued to expire on August 31, 1961, shall, unless otherwise provided by the Comptroller by rule or regulation, continue in full force and effect through September 30, 1961."

Sec. 3. That Article 20.14, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, be amended to read as follows:

"Article 20.14. Retention of Records.

"Every retailer shall keep in Texas for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General or their authorized representatives, a complete record of all purchases of items taxable under this Chapter, and his records shall show the date of receipt, the name and address of the person from whom purchased, the means of delivery, and the quantity in units and value of all such items taxable under this Chapter. Also it shall show all sales of the same as and when made from stocks on hand, or

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direct from the manufacturer. In all instances where a sale of any items taxable under the provisions of this Chapter is claimed to be exempt from taxation, the retailer shall keep a record of such sales, which shall show the name and address of the purchaser and the quantity in units and value of all such items claimed to be exempt."

Sec. 4. That Title 122A, Taxation—General, be amended by adding a new Article to be known as Article 20.21, to read as follows:

"Article 20.21, Records Confidential.

"(a) All information derived or obtained by the Attorney General or the Comptroller from any such inspection of the books and records as is authorized in this Chapter and all information secured, derived or obtained by the Attorney General or the Comptroller from any record, report, instrument, or copy thereof, required to be furnished under the terms of this Chapter shall be and shall remain confidential; and no record, report or information secured, derived or obtained by the Attorney General or the Comptroller under the terms of this Chapter shall be open to public inspection. Nothing herein contained shall be construed to prevent; the delivery to a taxpayer or his duly authorized representative of a copy of any report or other paper filed by him pursuant to the provisions of this Chapter; the publication of statistics so classified as to prevent the identification of a particular report and the items thereof; the use of such records, reports, or information secured, derived, or obtained by the Attorney General or the Comptroller under the terms of this Chapter in an action against the same taxpayer for a penalty or any tax due under any provision of Title 122A of the Revised Civil Statutes of Texas; the furnishing at the discretion of the Comptroller, of any information disclosed by said records, reports or files to any official of any other State or of the United States, who shall be concerned with the administration of any similar tax in that state or the United States; the Comptroller, or his duly authorized agent, from furnishing information concerning whether or not a retailer has a valid permit; the Comptroller, or his duly authorized agent, from permitting the inspection of any tax return by any individual upon the payment of \$1.00

for each return inspected by such individual. The information so obtained shall not be available for publication and shall be for personal use only.

"(b) Any person who violates the provisions of this Article shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for not more than six (6) months, or by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500), or by both such fine and imprisonment."

Sec. 5. Article 20.12, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, is hereby repealed.

Sec. 6. The pressing need to eliminate administrative problems in the miscellaneous excise tax, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after July 1, 1961, and it is so enacted.

The report was read.

Senator Moore moved that the Conference Committee Report on H. B. No. 119 be adopted.

Senator Hardeman moved as a substitute motion that the Conference Committee Report on H. B. No. 119 be printed in the Journal.

Question—Shall the Conference Committee report on H. B. No. 119 be adopted?

#### Welcome Resolutions

S. R. No. 430—By Senator Aikin: Extending welcome to Mr. Frank Jackson and students of Avery Schools.

S. R. No. 431—By Senator Lane: Extending welcome to students of Debating Team and Superintendent Dee Lee Thomas and Coach of Joinerville, Rusk County.

S. R. No. 432—By Senator Dies: Extending welcome to students and teacher of Sands Consolidated School of Martin County.

S. R. No. 433—By Senator Krueger: Extending welcome to Mr. George Thigpen et al. of El Campo.

S. R. 435—By Senator Aikin for

Senator Colson: Extending welcome to students and Mrs. J. C. Shoultz of Grapeland High School.

S. R. No. 436—By Senator Owen: Extending welcome to Sandra Manning et al.

S. R. No. 437—By Senator Gonzalez: Extending welcome to students and teacher of Concordia Lutheran School of San Antonio.

S. R. No. 438—By Senator Secrest: Extending welcome to students of Immanuel Lutheran School of Temple.

S. R. No. 439—By Senator Moffett: Extending Welcome to students and sponsor of Sagerton Public School.

S. R. No. 440—By Senator Baker: Extending welcome to students from staff of school paper of Reagan High School of Houston and teacher.

S. R. No. 441, By Senator Parkhouse: Extending welcome to students and teacher of Bethel Lutheran School of Dallas.

#### Adjournment

On motion of Senator Moffett the Senate at 12:27 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, May 8, 1961.

#### SIXTY-FIRST DAY

(Monday, May 8, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Absent—Excused

Colson                      Herring

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Almighty and most merciful God, Thou who has formed the mountains, filled the oceans, and spread out the heavens; be our refuge in time of trouble; by Thy spirit guide us; by Thy power protect us; and in love and mercy receive us through Jesus Christ, our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 5, 1961, was dispensed with and the Journal was approved.

#### Leaves of Absence

Senator Colson was granted leave of absence for today on account of illness in the family on motion of Senator Moffett.

Senator Herring was granted leave of absence for today on account of important business on motion of Senator Krueger.

#### Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,  
May 8, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1019, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,  
May 8, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 716, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 8, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water